

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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THOMAS WAGNER,

Plaintiff,

v.

**ORDER**

Civil File No. 18-3429 (MJD/HB)

JODI HARPSTEAD, in her official capacity;  
MARSHALL E. SMITH, in his official capacity;  
and NANCY JOHNSTON, in her official capacity;

Defendants.

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Thomas H. Boyd, Kyle Kroll, and Mary Riverso, Winthrop & Weinstine, PA,  
Counsel for Plaintiff.

Nicholas Walker Anderson, Assistant Attorney General, Counsel for Defendants.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated November 12, 2019. Plaintiff and Defendants filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court adopts the Report and Recommendation of United States Magistrate Judge Bowbeer dated November 12, 2019.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated November 12, 2019 [Docket No. 55].
2. Defendants' Renewed Motion to Dismiss Plaintiff's Amended Complaint [Docket No. 33] is **GRANTED IN PART** and **DENIED IN PART** as follows: the motion is **GRANTED** as to Plaintiff's equal protection claim and **DENIED** as to Plaintiffs' First Amendment claim.

Dated: December 19, 2019

s/ Michael J. Davis

Michael J. Davis

United States District Court